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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,781	07/17/2007	Manfred Geier	014881-000721	7784
24239 7590 01/04/2011 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709				
EXAMINER				
WILSON, LEE D				
ART UNIT		PAPER NUMBER		
3727				
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01/04/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,781

Applicant(s)

GEIER ET AL.

Examiner

LEE D. WILSON

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/31/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date FOUR IDS FORMS
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract is too long and the the terms "said" and "means" in appears in the text of the abstract. Correction is required. See MPEP § 608.01(b).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the actual stepping gear or sometype of gear** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 4-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claims 4-16 not been further treated on the merits.

Claim Rejections - 35 USC § 112

5. Claim1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- a. The claims recite a stepping gear; however, the stepping gear is not shown in the drawing or identified as element in the device. The invention is said to be a gear but there is not element that is a gear. .
6. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

b. The following claims are vague, indefinite, awkwardly and confusingly worded:

- i. "at least one operating arm" and "activated lever" in claim 1. These limitations are referring to the same element according to how the specification defines these elements.
- ii. Claim 2 recites "the decoupling means is designed as a load dependent release means." This does not really define the structure. This is a narrative of what that structure does. The claim is definite because what does the element look like ie spring, lever, pin etc.
- iii. Claim 3 recites a locking lever which is defined as the first lever. The same element is being claimed as whole separate element according the specification. This renders the claim vague and indefinite.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3 are **as best understood in view of 112 rejections** as rejected under 35 U.S.C. 102(e) as being anticipated by Geier et al (7651078)..

Geier et al discloses the claimed invention as recited in the claims. Geier et al discloses a device showing the element number matched up with the claims.

1. A stepping gear 21 for a clamping and/or spreading tool having a stationary jaw and a sup-
port to which said stationary jaw 11 is fixedly connected and on which a push or pull rod
is
slideably supported, a movable jaw 13 being fixedly arranged on the push or pull rod 3,
wherein said stepping gear is designed to displace said push or pull rod together with
said movable jaw relative to said fixed jaw in an advance direction step-by-step with at
least two different stepping sizes and comprises at least one operating arm 41
operateable
with at least two lever configurations 71 c h a r a c t e r i z e d in that a mechanism for
switching from a first lever 41 configuration to a second lever 71 configuration is
provided,
whereby upon an activation of the switching means, particularly in a predefined operat-

ing condition, the activated lever configuration enters engagement directly instantaneously.

2.A stepping gear according to claim 1, c h a r a c t e r i z e d in that the switching means is

a mechanism for detaching 61 a coupling structure between the operating arm 41 and a driver 179

via which the operating arm is engageable with the push or pull rod, whereby especially the decoupling means is designed as a load-dependent release means.

3.A stepping gear according to claim 1 or 2, c h a r a c t e r i z e d in that said recoupling means is provided to reinstate the detached coupling structure between said driver and said operating arm, wherein in particular that recoupling means 177 is actuatable via a locking 171

means for blocking displacement of the push or pull rod opposite to the advance direction.

9. Claims 1-3 are **as best understood in view of 112 rejections** as rejected under 35 U.S.C. 102(e) as being anticipated by Blank et al (6578837).

Blank et al discloses the claimed invention as recited in the claims. Blank et al discloses a device showing the element number matched up with the claims.

1. A stepping gear fig.1 for a clamping and/or spreading tool having a stationary jaw

and a sup-

port to which said stationary jaw 2 is fixedly connected and on which a push or pull rod 3 is

slideably supported, a movable jaw 1 being fixedly arranged on the push or pull rod 3, wherein said stepping gear is designed to displace said push or pull rod together with said movable jaw relative to said fixed jaw in an advance direction step-by-step with at least two different stepping sizes and comprises at least one operating arm 15 operateable

with at least two lever configurations 10 characterized in that a mechanism for switching from a first lever 15 configuration to a second lever 10 configuration is provided,

whereby upon an activation of the switching means, particularly in a predefined operating condition, the activated lever configuration enters engagement directly instantaneously.

2.A stepping gear according to claim 1, characterized in that the switching means is

a mechanism for detaching 34 a coupling structure between the operating arm 41 and a driver 22

via which the operating arm is engageable with the push or pull rod, whereby especially the decoupling means is designed as a load-dependent release means.

3.A stepping gear according to claim 1 or 2, c h a r a c t e r i z e d in that said recoupling means is provided to reinstate the detached coupling structure between said driver and said operating arm, wherein in particular that recoupling means 4 is actuatable via a locking 25 means for blocking displacement of the push or pull rod opposite to the advance direction.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The 892 form discloses prior art being made of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldw
/LEE D WILSON/
Primary Examiner, Art Unit 3727

December 22, 2010